Boise Municipal Storm Water NPDES Permit Co-applicants

Comment, paragraph 4, page 56, The co-applicants want clarification regarding reasonable assurance and BMPs. The clarification would state, "There are actually 33 Best Management Practices (BMPs) in Boise City's Storm Water Management Plan. Nine of the BMPs are specifically targeted at sediment control. Also, ACHD's Storm Water Management Plan has a total of 28 BMPs, 12 of which target sediment Control."

Noted and corrected.

Comment, "The co-applicants would also like Idaho Transportation Department-District 3, Boise State University, and Ada County Drainage, District No. 3 recognized as co-applicants for the Boise Municipal Storm Water NPDES permit."

Noted and corrected.

Comment, paragraph 2, page 60, "The co-applicants for the Boise Storm Water NPDES Permit have not yet received a permit from EPA. The activities in this permit will only affect the Boise City area of impact. Also, the proposed treatment standard of 80% removal of total suspended solids is only a proposal at this time. Boise City must still go through a formal public review process before this requirement goes into effect." The co-applicants request further clarification...

Noted and clarified.

Comment, page 72, "The TMDL does not discuss how the area upstream of the three named drains will be addressed by the no net increase (NNI) allocation. The phosphorus NNI allocation of the TMDL discusses checkpoints (Middleton and Parma) to ensure NNI. The co-applicants suggest the use of a checkpoint at Glenwood Bridge to ensure compliance of the sediment NNI upstream of the three named tributaries."

Noted.

City of Caldwell

Comment, page 7, figure 3, "Mason Creek is shown as a point of diversion, but should be shown as a tributary of the Boise River."

Noted and corrected.

Comment, page 54, paragraph 4, last sentence, "The City of Caldwell feels that limiting regulatory authority for enforcing load reductions to "existing regulatory...programs" is inappropriate. If regulatory authority does not exist for enforcing the load reductions, then it should be developed. For most pollutants of concern in this TMDL, point sources do not discharge sufficient quantities to achieve water quality standards by applying enforcement to them alone."

The language included on page 54 of the Draft TMDL is based upon United States Environmental Protection Agency, Guidance for Water Quality Based Decisions: The TMDL Process, EPA 440/4-91-001, page 24, "State or Local Process for Nonpoint Sources".

Comment, page 55, paragraph 1, last sentence, "It is the opinion of the City of Caldwell that this implementation plan should be subject to public comment and input from the affected parties after its completion. It is the experience of the City that those who prepare implementation plans, occasionally have poor conceptions of a plan's true viability."

DEQ welcomes public involvement in the development process for the implementation plan, but will not provide a formal public comment period for the implementation plan.

Comment, page 65, table 17, "Caldwell's peak monthly flow growth is listed as 2.82 MGD, with an allocated suspended sediment reserve of 0.35 tons per day. In the City of Caldwell Facility Plan, completed in May 1997 and approved by DEQ, the flow growth rate is computed to be 2.84 MGD which generates an allocated reserve of .36 tons per day. The City recognizes that these differences are relatively minor, but we request they be corrected."

Noted and corrected.

Comment, page 66, last paragraph, "A list is provided for methods of achieving the load allocations proposed in the TMDL. The City notes that "relocation of points of diversion" is a significant method that has been left off the list. The City requests it be included."

DEQ does not advocate the relocation of water supply diversion points within the Boise

River watershed as a method for achieving load or waste load allocation goals of the TMDL.

General Comment, suspended solid TMDL. "The larger treatment plants, including Lander St., West Boise, Meridian, Nampa and Caldwell all discharge suspended sediments at concentrations in the range of 7 to 12 mg/l. These levels are far below the State Water Quality Standard of 50 mg/l. It seems counter-productive to regulate discharges of high quality water. It is the opinion of the City that when technology based limits produce effluent better than the water quality standard, it is unnecessary to regulate them in the TMDL. The larger treatment plants should be governed only by the TSS concentration limit in their NPDES permits."

The waste load allocations presented in the TMDL are identical to permit limits in the Draft Final Permits for NPDES facilities in the Treasure Valley, and as such, do not represent additional regulatory requirements for treatment plants.

General Comment, the bacteria TMDL. "The NPDES Permit limits already control discharges to meet the State Water Quality Standard for fecal coliform bacteria. It is unnecessary to further regulate treatment plant's meeting State Water Quality Standards."

The waste load allocations presented in the TMDL are identical to permit limits in the Draft Final Permits for NPDES facilities in the Treasure Valley, and as such, do not represent additional regulatory requirements for treatment plants.

General Comment, phosphorous TMDL, "The City recognizes that the Phosphorous TMDL is created with the purpose of complying with the "no-net increase" rule in the State regulations. 1996 was arbitrarily selected as a baseline year for application of the "no-net increase" strategy."

DEQ believes that 1996 is the appropriate year to use for the development of no net increase baseline allocations for total phosphorus, but accept's Caldwell's request that reductions made prior to 1996 should be credited toward the baseline. DEQ believes that Caldwell's specific actions to generate phosphorus load reductions from a large influent source, completed prior to the start of calendar year 1996, should be incorporated into the baseline phosphorus allocation for Caldwell.

City of Nampa

Comment, map on figure 2, should include Lake Lowell.

Noted and corrected.

Comment, figure 3, the direction of the arrow on Mason Creek is reversed.

Noted and corrected.

Comment, table 5, The information doesn't match the narrative of the previous page relative the sampling by USGS.

In table 5, DEQ listed only the mainstem river sites sampled by the USGS for the sake of simplicity and to save space.

Comment, page 54, first paragraph, last sentence, Question whether the non point sources can have enough reduction to meet the sediment and bacteria criteria and according to this sentence the point sources would be required to make further reductions. This seems to be different than is found in the allocation sections later in the document and I doubt that any significant good can be achieved by further reductions by the point sources given their relative contributions.

The language included on page 54 of the Draft TMDL is based upon United States Environmental Protection Agency, Guidance for Water Quality Based Decisions: The TMDL Process, EPA 440/4-91-001, page 24, "State or Local Process for Nonpoint Sources".

Comment, Question if the goals for bacteria reduction are actually technically feasible given the nature of agriculture and the plumbing of the Boise River. Are there any examples of a similar watersheds that successfully met such high reductions.

DEQ believes that a bacteria load and waste load allocations can be met through planned and concerted implementation efforts. Significant progress with respect to bacteria has already been made in the Treasure Valley, and can be continued.

Comment, "If this document is adopted and reasonable improvements are made and the goals can not be fully met, is there a process whereby we can say 'this is as good as it can get?'"

Noted. TMDLs can be revised if appropriate.

Comment, "A short statement that nearly all flow from Indian Creek is diverted for irrigation just prior to the Boise River during the irrigation season would be a helpful piece of information to include if future waste load allocations became seasonal or annual in nature."

Noted.

Ada County Drainage District No. 3

Comment, "According to the Report, the District has a typical existing load allocation in 1995 of 0.35 tons per day. This is the level to be achieved under the recommendations of the Report. Apparently, the no net increase standard imposed for the three drains upstream of Middleton was established since the loads from those tributaries represent only 2% of the total allocation for the suspended sediments. I would point out that as of that amount of load attributable to those three drains, the portion attributable to District #3 is less than one third of the total amount. Consequently, the impact of any sediment load from the District is negligible at best."

DEQ concurs, and will recommend in the final TMDL that the sediment loads from the district be managed in a manner similar to those of the other lands that will fall within the purview of the pending MS4 NPDES permit for Boise municipal storm water.

Comment, The District questions the assumptions made concerning the discharge loads.

The load assigned to Drainage District #3 in the Draft TMDL was an estimated value based upon data from other tributaries. As noted in the preceding comment, the load allocation to the district will be removed in place of an acknowledgment that the pending MS4 permit will provide adequate suspended sediment controls for the drainages within the boundaries of District #3.

Comment, "The District does not generate any sediment in and of itself. ... The District can only assume that the facility which has been identified as a sediment producer is the facility that discharges into the Boise River at Ann Morrison Park. The District requests confirmation on the specific location referenced in the report."

Comment, "The Report identifies a monitoring location below Barber Dam and below Eckert Road. Knowing the exact location of that monitoring station would be very helpful to the District as the District's geographical jurisdiction begins at that point..."

Location

Comment, Task Order No. 8, page 21, Another important result of the sensitivity analyses is that TSS sources upstream of Middleton have very little, perhaps negligible, effect on loads and needed reductions in the river downstream of Middleton.

Noted.

Comment, Appendix G, pages 30-31, Is the sediment load attributable to the District for one drain

which discharges directly into the Boise River based upon a surrogate study and extrapolation accurate; especially given the mostly urban character of the District's facilities at this time?

Additional characterization of the sediment loads from District drainages would significantly improve upon the load in the Draft TMDL.

Comment, page 7, figure 3, the inflow and outflow of that figure may not be quite accurate as it relates to the District. I note that while the Ridenbaugh, Meeves, Bubb, Rossi Mill, and Settlers are shown as taking water out of the Boise River, the discharge back into the Boise River by the District may not be completely accurate. There are points where the Ridenbaugh, Meeves, Bubb and Rossi Mill discharge into the District's facility. As pointed out in the Report, the District was established in the early 1920's in direct response to drain excess ground water and to provide a means to return irrigation water back into the Boise River.

Noted.

Idaho Farm Bureau Federation

Comment, ...There are a number of references to agriculture non point sources contributing most of pollutants such as bacteria and we question the factualness of the statements.

> *Agricultural sources contribute significant pollutant loads to the Boise River and its tributaries, but are clearly not the only significant sources of pollutant loads. Treated effluent and storm water are also sources of various pollutants, such as suspended sediment or solids, fecal coliform bacteria, and phosphorus.*

In the bacterial category of contamination, it appears that fecal coliform should no longer be the standards for bacterial contamination, rather E. Coli should be specifically identified and typed as to its origin. We feel that sources of contamination can then be readily identified and the speculative portion of this report replaced with good scientific data on bacterial contamination.

> *The Negotiated Rulemaking committee has put forward recommendations for E. Coli criteria to replace the existing fecal coliform criteria. Should the legislature approve the E. Coli recommendations, the Idaho Water Quality and Wastewater Treatment Requirements will be updated to reflect the change. DEQ will incorporate language in the TMDL to specify that compliance with the bacteria load and waste load allocations should be judged based upon the most current state criteria for contact recreation. The lower Boise River Watershed advisory group has agreed to a pilot test of DNA typing for sources of bacteria that should help to direct implementation activities.*

Comment, page 1, "...we concur with the recommendation that the lower Boise River not be held to temperature standards of cold water biota."

> *Noted.*

Comment, page 2, "The nutrient standards included in the TMDL seem to be based upon concentrations found during flows that occurred during a severe drought year. We recommend that flow data be based upon a historical average, not diminished flow of a drought year."

> *The flow data used to generate the total phosphorus baseline loads presented in the Draft TMDL are in fact 1996 data. The irrigation season total flow during 1996 is a 71st percentile(29 percent exceeds) irrigation season, given flow data from 1984 to the present.*

Comment, page 2, with respect to total suspended sediment, "We recommend this entire section be rethought and rewritten to include a standard above 50 mg/l but probably not over 100 mg/l.

The 50 and 80 mg/l targets developed in the TMDL are the appropriate criteria to protect aquatic life uses in the lower Boise River with respect to total suspended sediments.